

CV - 22 - 98 - GF - BMM 11-1-22

United States District Court of Montana
Great Falls DivisionUNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RECEIVED

NOV 01 2022

Clerk, U.S. District Court
Missoula, Montana
Division

Form 27. Motion for

Supplement Amended Complaint include as a Hatch Amendment

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form27instructions.pdf>

9th Cir. Case Number(s)

CV - 22 - 98 - GF - BMM

Case Name

K Flynn v Christian, Judge Jason Marks, Holly Mohorovich

Lower Court or Agency Case Number

N/A

What is your name?

Kenneth Jay Flynn

1. What do you want the court to do?

Supplement the Amended Complaint with missing Documents,

2. Why should the court do this? Be specific. Include all relevant facts and law that would persuade the court to grant your request. (Attach additional pages as necessary. Your motion may not be longer than 20 pages.)

Discovered missing from the Amended Complaint.
Missing taking from plaintiffs documents in vehicle
day before filing. Essential to details material to the
Claim, unlawful foreclosure.

Your mailing address: Kenneth Flynn

615 1st AVE, PO Box 232 Goldford MT 59525

City

Goldford

State

MT

Zip Code

59525

Prisoner Inmate or A Number (if applicable)

Signature

K J Flynn

Date

11-1-22

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

(14) Steve

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**WORDEN
THANE P.C.
ATTORNEYS AT LAW**

Donovan Worden, Sr.
(1892 - 1967)
Donovan Worden, Jr.
(1918-2007)
Jeremy G. Thane
(1927 - 2016)

Ronald A. Bender
Martin S. King
Sean M. Morris
Reid J. Perkins
William E. McCarthy
Amy M. Scott Smith
Jesse C. Kodadek
Chris A. Johnson (MT, WA)

10-12-22

Dana L. Hupp
Martin Rogers
Brand G. Boyar
Natalie L. Black
Elizabeth W. Erickson
Jennifer Shannon
Dillon Kato
Erika D. Colstad

June 13, 2022

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Notice of Trustee's Sale ("Notice"). You are entitled to a copy of this Notice pursuant to Mont. Code Ann. § 71-1-315 by virtue of the fact that you may be an occupant, lien holder, mortgagor or otherwise may have an interest with respect to the real property covered by the Notice which could result in termination of your rights in such property.

You are further notified that in the event the default(s) referenced in the Notice are not cured before the scheduled sale, then the purchaser at the Trustee's Sale is entitled to possession of the real property on the 10th day following the sale.

The enclosed Notice of Trustee's Sale sets forth the amount due as of the date stated therein. Because of interest, late charges and other charges, that may vary from day-to-day, the total amount due may be greater. The Grantor may contact the undersigned to receive current information.

If you are on active duty in the military, please advise us within 20 days to request a delay in the foreclosure.

Sincerely,

Martin S. King, Successor Trustee

Enclosure

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All of Grantor's right, title, and interest in and to the following described real property located in Missoula County, State of Montana, together with (1) All buildings, fixtures and improvements thereon and all water rights, rights-of-way, tenements, hereditament, privileges and appurtenances thereunto belonging, now owned or hereafter acquired, however evidenced, used or enjoyed with said premises or belonging to the same; (2) All right, title and interest hereafter acquired in or to any of said premises, hereby also releasing, relinquishing and waiving all exemptions, rights of dower and homestead, in or to said premises, vested or inchoate; (3) All heating, air conditioning, plumbing and lighting facilities, equipment and fixtures now or hereafter installed upon or within said premises, used or proper or necessary to constitute the said premises a habitable, usable or operating unit--all of said property being designated and deemed for the purposes of this instrument a part of the realty; and (4) All of the rents, issues and profits of said premises:

Lot 1 of Owen Minor Subdivision, a platted subdivision in the City of Missoula, Missoula County, Montana, according to the official recorded plat thereof.

The real property or its address is commonly known as 2603 Industry Rd, Bldg G, Missoula, MT 59808.

RECORDING REFERENCE:

Deed of Trust recorded on November 19, 2015, in Book 954 of Micro Records at Page 197, Document No. 201521914, records of Missoula County, Montana.

OTHER DOCUMENTS RELATING TO THE TRUST INDENTURE:

Substitution of Trustee, appointing Martin S. King as trustee in the place of Stewart Title Company recorded May 13, 2022, in the records of the office of the Clerk and Recorder of Missoula County, Montana, as Document No. 202208587.

DEFAULT FOR WHICH THE FORECLOSURE IS MADE:

The Grantor has defaulted on the terms of said Trust Indenture and the corresponding Promissory Note in that it has failed to pay the payments required thereunder when due and has failed to pay real property taxes against the real property when due.

AMOUNTS OWED ON THE OBLIGATIONS SECURED BY THE TRUST INDENTURE as of April 5, 2022:

Principal	\$790,260.11
Interest	\$ 18,792.01
Late Charges	\$ 1,162.00
Escrow Fees	\$ 52.00
Delinquent Property Taxes (as of 4/27/2022)	<u>\$ 48,222.42</u>
Total:	\$858,488.54

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Interest continues to accrue. In addition, the Grantor is obligated to pay the expenses of this sale, which include the Beneficiary's costs and expenses advanced to preserve and protect the real property; insurance; real property taxes, and all penalties and interest relating to real property taxes, that may become due or are delinquent; Beneficiary's costs and attorney fees; and the Successor Trustee's costs and fees. If such amounts are paid by the Beneficiary, they will be added to the obligation secured by the Trust Indenture.

THE TRUSTEE'S OR BENEFICIARY'S ELECTION TO SELL THE REAL PROPERTY TO SATISFY THE OBLIGATION:

The Beneficiary has elected, and has directed the Successor Trustee to sell the above-described real property to satisfy the obligation.

DATE, PLACE, and TIME OF SALE:

Date and time of sale: October 13, 2022, at 11:00 a.m.

Place: Missoula County Courthouse, located at 200 West Broadway, Missoula, Montana,

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Dated this ____ day of June, 2022.

Martin S. King, Successor Trustee
Worden Thane P.C.
321 W. Broadway, Ste 300
Missoula, MT 59802-4142
(406) 721-3400

STATE OF MONTANA)
 : ss.
County of Missoula)

On the ____ day of June, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Martin S. King, known to me to be the person whose name is subscribed to the within Notice of Trustee's Sale as Successor Trustee, and acknowledged to me that he executed the same as such Successor Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

(SEAL)

Notary Signature

adm/

NOTICE OF TRUSTEE'S SALE

[Handwritten signature]

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After Recording Return To:
Martin S. King, Esq.
Worden Thane P.C.
321 W. Broadway, Ste 300
Missoula, MT 59802-4142

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202209815 B:1076 P:773 Pages:3 Fee:\$24.00
06/03/2022 02:45:51 PM Notice Of Trustee's Sale
Tyler R. Gernant, Missoula County Clerk & Recorder



NOTICE OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that Holly M. Mohorocich, Trustee, The Mark Mohorocich Irrevocable Trust, PO Box 7247, Missoula, MT 59807, the Beneficiary, and Martin S. King, the Successor Trustee, under the Montana Trust Indenture dated November 19, 2015 and described herein (referred to in this notice as the "Trust Indenture"), have elected to sell the real property described in this notice on October 13, 2022, at 11:00 a.m. at Missoula County Courthouse, located at 200 West Broadway, Missoula, Montana, and on the terms described in this notice, in order to satisfy the obligations described in this notice, pursuant to the terms of the Trust Indenture and the provisions of the Small Tract Financing Act, Mont. Code Ann. § 71-1-301, et. seq.

DESCRIPTION OF THE TRUST INDENTURE:

Description and Date:	Montana Trust Indenture dated November 19, 2015
Grantor(s):	Sherlock Storage, LLC
Original Trustee:	Stewart Title Company
Successor Trustee:	Martin S. King
Beneficiary:	Holly M. Mohorocich, Trustee, The Mark Mohorocich Irrevocable Trust
Recording Information:	Recorded November 19, 2015, in Book 954 of Micro Records at Page 197, as Document No. 201521914 records of Missoula County, Montana.

DESCRIPTION OF THE REAL PROPERTY COVERED BY THE TRUST INDENTURE
AND WHICH WILL BE SOLD AT THE TRUSTEE'S SALE:

JKJ

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United States Bankruptcy Court
U.S. Bankruptcy Court, District of Montana

10-12-22

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 10/04/2022 at 2:04 PM and filed on 10/04/2022.

SHERLOCK STORAGE LLC

615 1ST AVE
PO BOX 232
GILDFORD, MT 59525
2027143428
Tax ID / EIN: 83-1252176



The case was assigned case number 9:22-bk-90150-BPH to Judge BENJAMIN P. HURSH.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.mtb.uscourts.gov> or at the Clerk's Office, Room 263 Federal Building, 400 North Main, Butte, MT 59701.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Tyler P. Gilman
Clerk, U.S. Bankruptcy Court
of Montana

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